

CHRISTOPHER J. CHRISTIE
United States Attorney
BY: HARVEY BARTLE, IV
Assistant United States Attorney
402 East State Street, Room 430
Trenton, New Jersey 08608
(609) 989-2190

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS GUSTAVO PEREZ

Defendant.

: **Hon. William H. Walls, U.S.D.J.**

: **Criminal No. 07-1023**

: **FINAL ORDER OF FORFEITURE**

WHEREAS, on June 9, 2008, a Consent Judgment and Preliminary Order of Forfeiture was entered between the United States and the defendant, Luis Gustavo Perez, pursuant to 18 U.S.C. § 982(a)(6), to the forfeiture of \$4,820 in United States currency for the violations of 8 U.S.C. § 1324(a); and

WHEREAS, shortly after the parties entered the Consent Judgment and Preliminary Order of Forfeiture, the United States was advised by Immigration and Customs Enforcement that the actual amount in the defendant's possession at the time of his arrest was \$5,291.24, a difference of \$471.24 from the amount included in the Consent Judgment and Preliminary Order of Forfeiture; and

WHEREAS, on September 25, 2008, counsel for Defendant Luis Gustavo Perez, Frank Arleo, Esq., was telephonically advised of this discrepancy and agreed that the defendant would not contest the Government's inclusion of the additional \$471.24 in the final order of forfeiture; and

WHEREAS, on September 25, 2008, the United States memorialized the agreement that the defendant would not contest the forfeiture of the additional currency (Declaration of Harvey Bartle, IV with Exhibits, Exhibit A, hereinafter "Bartle Decl."); and

WHEREAS, as required by Rule G(4)(a)(iv)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States posted for at least 30 consecutive days on an official government forfeiture internet site, www.forfeiture.gov, between July 29, 2008 and August 27, 2008, a notice of its intent to dispose of the forfeited property in accordance with the law and further notifying all third parties of their right to petition the Court within sixty (60) days from the first day of publication of the above notice, for a hearing to adjudicate the validity of their alleged legal interest in the property (Bartle Decl., Exhibit B); and

WHEREAS, no timely claims have been filed on the property by any third parties; and

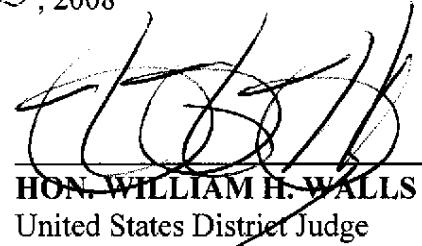
THEREFORE it is hereby **ORDERED, ADJUDGED AND DECREED:**

1. That a Final Order of Forfeiture is entered and that approximately \$5,291.24 in United States currency is hereby forfeited to the United States of America and no right, title or interest in the asset shall exist in any other party.

2. That any and all forfeited funds, as well as any income derived as a result of the United States Immigration and Customs Enforcement's management of any property forfeited herein, and the proceeds from the sale of any forfeited property, after the payment of costs and expenses incurred in connection with the sale and disposition of the forfeited property shall be deposited forthwith by the Department of Treasury, United States Immigration and Customs Enforcement into the Department of Treasury Asset Forfeiture Fund, in accordance with the law;

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this 15 day of *October*, 2008


HON. WILLIAM H. WALLS
United States District Judge

CHRISTOPHER J. CHRISTIE
United States Attorney
BY: HARVEY BARTLE, IV
Assistant United States Attorney
402 East State Street, Room 430
Trenton, New Jersey 08608
(609) 989-2190

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, : Hon. William H. Walls, U.S.D.J.

***Plaintiff,* : Criminal No. 07-1023**

v. : DECLARATION OF HARVEY BARTLE, IV

LUIS GUSTAVO PEREZ : WITH EXHIBITS IN SUPPORT OF FINAL

***Defendant,* : ORDER OF FORFEITURE**

HARVEY BARTLE, IV, who being sworn, deposes and says:

1. I am an Assistant United States Attorney and represent the United States of America in this action. I make the following statements based on a review of the files maintained by this office.

2. On June 9, 2008, a Consent Judgment and Preliminary Order of Forfeiture was entered between the United States and the defendant, Luis Gustavo Perez, pursuant to 18 U.S.C. § 982(a)(6), to the forfeiture of \$4,820 in United States currency for the violations of 8 U.S.C. § 1324(a).

3. Shortly after the parties entered the Consent Judgment and Preliminary Order of Forfeiture, the United States was advised by Immigration and Customs Enforcement that the actual amount in the defendant's possession at the time of his arrest was \$5,291.24, a difference of \$471.24 from the amount included in the Consent Judgment and Preliminary Order of

Forfeiture.

4. On September 25, 2008, counsel for Defendant Luis Gustavo Perez, Frank Arleo, Esq., was telephonically advised of this discrepancy and agreed that the defendant would not contest the Government's inclusion of the additional \$471.24 in the final order of forfeiture.

5. On September 25, 2008, the United States memorialized the agreement that the defendant would not contest the forfeiture of the additional currency by way of letter to defendant's counsel, Frank Arleo, Esq., Arleo & Donahue. (See Exhibit A)

6. As required by Rule G(4)(a)(iv)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States posted for at least 30 consecutive days on an official government forfeiture internet site, www.forfeiture.gov, between July 29, 2008 and August 27, 2008, a notice of its intent to dispose of the forfeited property in accordance with the law and further notifying all third parties of their right to petition the Court within sixty (60) days from the first day of publication of the above notice, for a hearing to adjudicate the validity of their alleged legal interest in the property. (See Exhibit B)

7. No claims have been filed on the above-referenced property within the time permitted.

8. Affiant knows of no reason why a Final Order of Forfeiture should not be entered.
I declare under penalty of perjury that the forgoing is true and correct.

CHRISTOPHER J. CHRISTIE
United States Attorney

s/ Harvey Bartle
BY: HARVEY BARTLE, IV
Assistant United States Attorney

EXHIBIT A



U.S. Department of Justice

United States Attorney
District of New Jersey

402 E. State Street, Room 430
Trenton, New Jersey 08608

(609) 989-2190
(609) 989-2273 (fax)

September 25, 2008

Frank Arleo, Esquire
Arleo & Donahue
622 Eagle Rock Avenue
West Orange, New Jersey 07052

Re: United States v. Luis Gustavo Perez,
Crim. No. 07-1023 (WHW)

Dear Mr. Arleo:

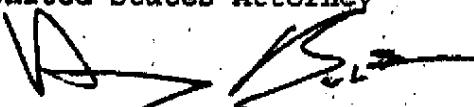
As you are aware, as part of his guilty plea on June 9, 2008, Luis Gustavo Perez entered into a Consent Judgement and Order of Forfeiture for \$4820 found in his possession at the time of his arrest for transporting illegal aliens, in violation of 8 U.S.C. § 1324. Mr. Perez was sentenced on August 26, 2008 to a term of 12 months imprisonment.

As we discussed today, the Government has determined that the actual amount in Mr. Perez's possession at the time of his arrest was \$5,291.24, a difference of \$471.24 from the amount in the Consent Judgement and Order of Forfeiture. It is the Government's understanding that the defendant will not contest the Government's inclusion of the additional \$471.24 in the final order of forfeiture. If that is not the case, please let me know.

Thank you for your time and attention to this matter, and please do not hesitate to contact me at (609) 656-2504 if you have any questions.

Sincerely,

CHRISTOPHER J. CHRISTIE
United States Attorney


By: Harvey Bartle, IV
Assistant U.S. Attorney